

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/382,141 08/24/99 FERGUSON

K 26167/616

EXAMINER

TM02/1023

WALTER E ZIMMERMAN  
FOLEY & LARDNER  
FIRSTAR CENTER  
777 E WISCONSIN AVENUE  
MILWAUKEE WI 53202-5367

COLON, C

ART UNIT

PAPER NUMBER

2163

DATE MAILED:

10/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/382,141

Applicant(s)

FERGUSON ET AL.

Examiner

C. Michelle Colon

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

Page 12, line 4 of the specification contains an error. The term "10-0" should read "10-20."

On page 13, lines 4 and 5, reference is made to numbers 32, 34, 36, and 38. The reference numbers cannot be found in the drawings. Either the numbers should be removed from the specification or added to the drawings.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1 – 18, 20, 22 – 25, 27 – 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Haq et al. (U.S. 6,275,812).

As per claim 1, Haq et al. disclose a diagnostic tool for classifying an individual based on work pattern data of the individual comprising:

a plurality of work pattern groups, each work pattern group having a plurality of predefined characteristics (col. 1, line 57; col. 3, lines 6 – 10 and lines 22 – 32);

an interface for inputting work pattern data associated with the individual (col. 3, lines 52 – 56; Figures 5 – 7);

and a diagnostic engine for correlating the work pattern data with the predefined characteristics and classifying the individual as a member of at least one of the plurality of work pattern groups based on the correlation (col. 3, lines 33 – 46; col. 3, line 67 – col. 4, line 4; Figures 1 and 2).

As per claim 2, Haq et al. further disclose the predefined characteristics of each work pattern group corresponding to a degree to which work performed by a member of the particular work pattern group is focused (col. 4, lines 5 – 12), an amount of interaction between a member of the particular work pattern group and other individuals (col. 10, lines 44 – 63), and a degree to which work performed by a member of the particular work pattern group follows a defined procedure (col. 10, lines 44 – 63).

The invention as disclosed by Haq et al. measures the skills, roles, responsibilities, training, experience, and work load of an individual. The amount of interaction between a member of a particular group and other individuals, as well as the degree to which work performed by a member of a particular group follows a defined procedure, can be categorized under several of the metrics maintained by the invention disclosed by Haq et al.

As per claim 3, Haq et al. further disclose the predefined characteristics of each work pattern group further corresponding to a type of information used by a member of

Art Unit: 2163

the particular work pattern group (col. 5, lines 1 – 31), a number of work foci of a member of the particular work pattern group (col. 5, lines 1 – 31), and a degree of mobility within the work environment of a member of the particular work pattern group (col. 9, lines 12 – 16).

The type of information used, the number of work foci, and the degree of mobility within the work environment of a member of the particular work pattern group can be categorized under several of the metrics maintained by the invention disclosed by Haq et al.

As per claim 4, Haq et al. further disclose the plurality of work pattern groups including a Processor group, a Keeper group, a Concierge group, a Broker group, a Player group, and a Specialist group (col. 8, lines 43 – 44; col. 12, lines 44 – 51).

The invention disclosed by Haq et al. creates groups of employees based on their skills, roles, responsibilities, training, knowledge, experience, etc.

As per claim 5, Haq et al. further disclose the predefined characteristics including a degree to which work performed by a member of the particular work pattern group is task-based and a degree to which work performed by a member of the particular work pattern group is knowledge-based (col. 3, lines 21 – 32).

The invention disclosed by Haq et al. groups categorizes employees based on a variety of metrics including skills, or knowledge, and roles and responsibilities, or tasks.

As per claims 6 and 7, Haq et al. further disclose the diagnostic engine comprising digital data stored on a digital storage medium (col. 12, lines 44 – 51).

Art Unit: 2163

The invention disclosed by Haq et al. utilizes a database and query software to store and maintain the employee data. It is inherent to the proper functioning and utility of databases and software that they are implemented on computer systems.

Furthermore, it is inherent to modern computer systems that they encompass, maintain, and utilize digital data.

As per claim 8, Haq et al. further disclose the interface being an interactive questionnaire (col. 11, lines 39 – 60).

As per claim 9, Haq et al. disclose a system for prescribing a knowledge management solution for an individual in a work environment, comprising:

- a diagnostic tool (col. 2, lines 4 – 20);

- an interface coupled to the diagnostic tool for inputting work pattern data associated with the individual (col. 11, lines 41 – 61);

- a plurality of work pattern groups (col. 3, lines 21 – 27);

- and a prescription tool (col. 7, lines 38 – 43);

wherein the diagnostic tool correlates the work pattern data with the work pattern groups, defines a personal profile for the individual based on the correlation and the prescription tool recommends a knowledge management solution for the individual based on the personal profile (col. 11, lines 26 – 28; col. 11, line 38 – col. 12, line 20).

As per claim 10, Haq et al. further disclose comprising a plurality of organizational information flow models, wherein organizational data associated with the individual's work environment is input via the interface and the diagnostic engine

correlates the organizational data with the organization (col. 8, line 3 – col. 9, line 9; col. 10, lines 17 – 30; Figure 12).

As per claim 11, Haq et al. further disclose the organizational information flow models including a Channeled model, a Centered model, a Pooled model, and a Negotiated model (col. 8, line 3 – col. 9, line 9; col. 10, lines 17 – 30; Figure 12).

The invention disclosed by Haq et al. categorizes several metrics for measuring various aspects of resource utilization and knowledge management of an organization. The invention utilizes formulas, or models, to categorize the various metrics of the organization.

As per claim 12, Haq et al. further disclose the work pattern data including data relevant to an amount of interaction by the individual with other individuals, a degree to which work performed by the individual is focused, and a degree to which work performed by the individual adheres to a defined procedure (col. 5, lines 1 – 31).

The amount of interaction by the individual with other individuals, a degree to which work performed by the individual is focused, and a degree to which work performed adheres to a defined procedure can be categorized under the various metrics that are assessed by the Haq et al. invention.

As per claim 13, Haq et al. further disclose the work pattern groups including a Processor Group, a Keeper group, a Concierge group, a Broker group, a Player group, and a Specialist group (col. 8, lines 43 – 44; col. 12, lines 44 – 51).

The invention disclosed by Haq et al. creates groups of employees based on their skills, roles, responsibilities, training, knowledge, experience, etc.

Art Unit: 2163

As per claim 14, Haq et al. further disclose the personal profile being adapted to be updated with additional work pattern data associated with the user that is input via the interface (col. 2, lines 16 – 17; col. 12, lines 17 – 18).

As per claim 15, Haq et al. further disclose comprising a computer, wherein the diagnostic tool is executed by the computer (col. 12, lines 44 – 51; Figure 2).

The invention disclosed by Haq et al. utilizes a database and query software to store and maintain the employee data. It is inherent to the proper functioning and utility of databases and software that they are implemented on computer systems.

As per claim 16, Haq et al. further disclose the computer being coupled to a network and the additional work pattern data being input to the interface via the network (col. 10, lines 34 – 43; Figure 2).

As per claim 17, Haq et al. further disclose an electric device connectable to the network collects the additional work pattern data (col. 10, lines 34 – 43; Figure 2).

As per claim 18, Haq et al. further disclose the knowledge management solution includes the electronic device (col. 10, lines 34 – 43; Figure 2).

As per claim 20, Haq et al. further disclose the diagnostic tool comprising digital data stored on a digital storage medium (col. 12, lines 44 – 51).

The invention disclosed by Haq et al. utilizes a database and query software to store and maintain the employee data. It is inherent to the proper functioning and utility of databases and software that they are implemented on computer systems.

Furthermore, it is inherent to modern computer systems that they encompass, maintain, and utilize digital data.



As per claim 22, Haq et al. disclose a method of classifying an individual based on work pattern data associated with the individual, the method comprising:

defining a plurality of work pattern groups, each work pattern group being associated with a work pattern characteristic (col. 1, line 57; col. 3, lines 6 – 10 and lines 22 – 32);

measuring a first work pattern data of the individual representative of a degree of interaction between the individual and other individuals in the work environment (col. 10, lines 44 – 63);

measuring a second work pattern data of the individual representative of a degree of focus associated with work performed by the individual in the work environment (col. 4, lines 5 – 12);

measuring a third work pattern data of the individual representative of a degree of protocol governing the work performed by the individual in the work environment (col. 10, lines 44 – 63);

correlating the first, second, and third work pattern data of the individual with the work pattern characteristics of the plurality of work pattern groups (col. 3, lines 33 – 46; col. 3, line 67 – col. 4, line 4; Figure 1);

and classifying the individual as a member of at least one of the work pattern groups based on the correlation (col. 3, lines 21 – 32; Figure 1).

The invention as disclosed by Haq et al. measures the skills, roles, responsibilities, training, experience, and work load of an individual. The amount of interaction between a member of a particular group and other individuals, as well as the

degree to which work performed by a member of a particular group follows a defined procedure, can be categorized under several of the metrics maintained by the invention disclosed by Haq et al.

As per claim 23, Haq et al. further disclose the work pattern groups including a Processor group, a Keeper group, a Concierge group, a Broker group, a Player group, and a Specialist group (col. 8, lines 43 – 44; col. 12, lines 44 – 51). The invention disclosed by Haq et al. creates groups of employees based on their skills, roles, responsibilities, training, knowledge, experience, etc.

As per claim 24, Haq et al. further disclose the steps of correlating and classifying being performed by a computer program (col. 12, lines 44 – 51).

As per claim 25, Haq et al. further disclose recommending a knowledge management solution for the individual based on the classification (col. 11, lines 26 – 28; col. 11, line 38 – col. 12, line 20).

As per claim 27, Haq et al. disclose a method of classifying an individual as a member of at least one of a plurality of work pattern groups, the groups including a first group, a second group, a third group, a fourth group, a fifth group, and a sixth group, the method comprising:

measuring a work characteristic of the individual associated with performance of the individual's work (col. 11, line 38 – col. 12, line 42);

and identifying the individual as a member of at least one of the plurality of work pattern groups based on the measured work characteristic (col. 12, lines 44 – 51);

wherein work characteristics associated with the first group include a tight work focus, highly protocolled work processes, and a low degree of interaction with other individuals in the work environment (col. 12, line 44 – col. 13, line 52);

wherein work characteristics associated with the second group include a contextual work focus, moderately protocolled work processes, and a moderate degree of interaction with other individuals in the work environment (col. 12, line 44 – col. 13, line 52);

wherein work characteristics associated with the third group include a wide work focus, logistics-oriented work processes, and a high degree of interaction with other individuals in the work environment (col. 12, line 44 – col. 13, line 52);

wherein work characteristics associated with the fourth group include a wide work focus, highly variable work processes, and a high degree of interaction with other individuals in the work environment (col. 12, line 44 – col. 13, line 52);

wherein work characteristics associated with the fifth group include a contextual work focus, moderately variable work processes, and a moderate degree of interaction with other individuals in the work environment (col. 12, line 44 – col. 13, line 52);

wherein work characteristics associated with the sixth group include a tight work focus, well-defined work processes, and a low degree of interaction with other individuals in the work environment (col. 12, line 44 – col. 13, line 52).

The invention disclosed by Haq et al. measures various characteristics of employees based on skills, roles and responsibilities, geographic location, work load, experience, preferences, etc. and assigns weights to the various metrics in order to

categorize employees and best fit them to jobs and projects. By assigning weights to metrics, varying degrees of skills, roles and responsibilities, geographic location, work load, experience, preferences, etc. are associated with each employee and thereby the work focus, work processes, and degree of interaction with other individuals in the work environment can be determined.

As per claim 28, Haq et al. disclose a method for prescribing a knowledge management solution for an individual in a work environment, comprising:

defining a plurality of work pattern groups and a plurality of work pattern characteristics associated with each work pattern group (col. 1, line 57; col. 3, lines 6 – 10 and lines 22 – 32);

collecting work pattern data associated with the individual (col. 11, lines 44 – 67);

correlating the work pattern data with the plurality of work pattern characteristics associated with the plurality of work pattern groups (col. 3, lines 33 – 46; col. 3, line 67 – col. 4, line 4; Figures 1 and 2);

classifying the individual as a member of at least one of the work pattern groups based on the correlation (col. 3, lines 21 – 32);

defining a personal profile for the individual, the personal profile including the classification of the individual (col. 11, lines 21 – 35);

and recommending a knowledge management solution for the individual based on the defined profile (col. 7, lines 39 – 43; col. 11, lines 16 – 19 and lines 26 – 28).

As per claim 29, Haq et al. further disclose identifying a personal style associated with the individual from the work pattern data, wherein the personal profile further

includes the identified personal style (col. 11, lines 26 – 31). A personal style is another metric that can be incorporated into the various metrics (such as preferences) of the invention disclosed by Haq et al.

As per claim 30, Haq et al. further disclose

defining a plurality of organizational information flow models and a plurality of information flow characteristics associated with each organizational information flow model (col. 8, line 3 – col. 9, line 9; col. 10, lines 17 – 30; Figures 11 and 12);

collecting organizational data associated with the individual's work environment (col. 5, lines 6 – 10 and lines 25 – 31);

correlating the organizational data with the plurality of information flow characteristics associated with the organizational information flow models (col. 10, lines 17 – 30);

identifying the organizational information flow model that corresponds to the individual's work environment based on the correlation (col. 11, line 39 – col. 12, line 21);

and refining the personal profile to include the identified organizational information flow model (col. 12, line 44 – col. 13, line 52).

Art Unit: 2163

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19, 21, 26, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haq et al. (U.S. 6,275,812) as applied to claims 9, 25, and 28 above, and further in view of Barney et al. (U.S. 6,070,143).

As per claims 19, 21, 26 and 31, Haq et al. disclose all of the limitations recited in claims 9, 25, and 28. Haq et al. do not expressly disclose the knowledge management solution including knowledge storage products or the prescription tool being a product catalog.

Barney et al. disclose a knowledge management solution including knowledge storage products (col. 7, lines 21 – 31) and the prescription tool being a product catalog (col. 3, lines 61 – 64).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the knowledge management solution include knowledge storage products and the prescription tool be a product catalog because doing so provides employees with the benefit of immediate access to products that are relevant and pertinent to their job so they can learn and train and improve their job performance most quickly and efficiently (col. 3, lines 11 – 12).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Parrish et al. (U.S. 5,416,694) discusses a computer system and a method for a management and workforce planning system;
- Clark et al. (U.S. 5,164,897) discusses a method for selecting personnel having qualifications matching various job criteria;
- Havens (U.S. 5,924,072) discusses a computer-based knowledge management system including a database.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-4251. The examiner can normally be reached Monday – Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

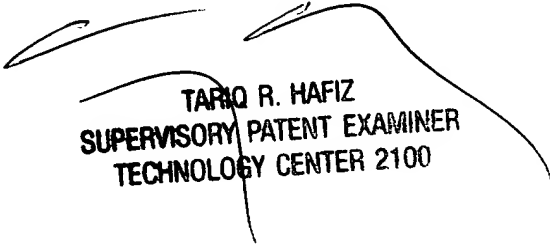
703-746-7238	[After Final Communication]
703-746-7239	[Official Communications]
703-746-7240	[For status inquiries, draft communication]

Application/Control Number: 09/382,141  
Art Unit: 2163

Page 15

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CMC  
October 17, 2001



TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100